

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLM CONSULTING LLC,

Plaintiff,

-v-

PANACEA SHIPPING COMPANY, INC., ET AL.,

Defendant.

22 Civ. 5194 (PAE)

ORDER OF DEFAULT
JUDGMENT

PAUL A. ENGELMAYER, District Judge:

Plaintiff KLM Consulting LLC (“KLM”) brought suit against defendants Panacea Shipping Company, Inc. (“Panacea”) and Maersk Agency U.S.A., Inc. (“Maersk”) in Texas state court. On March 24, 2022, Maersk filed a notice of removal to the Southern District of Texas. Dkt. 1. Panacea consented to the removal. *Id.* On April 29, 2022, Maersk moved to transfer the case to this District, Dkt. 10, and on June 13, 2022, Judge David Hittner of the Southern District of Texas granted that motion, Dkts. 14–16. Panacea did not join the transfer motion. Dkt. 10. To date, Panacea has not entered an appearance in this Court.

Following Panacea’s inaction in this Court, KLM filed a proposed clerk’s certificate of default on April 17, 2023, Dkt. 63, and accompanying affidavit of service on Panacea, Dkt. 64.¹ KLM obtained a clerk’s certificate of default as to Panacea on that same day. Dkt. 65. On April 19, 2023, plaintiff filed a motion for default judgment, a supporting declaration, and a proposed default judgment. Dkts. 66. Pursuant to this Court’s Individual Rules of Practice, on June 29,

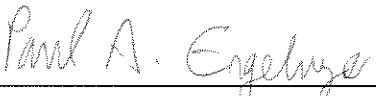
¹ Maersk also filed a motion for default judgment against Panacea in Maersk’s capacity as a third-party plaintiff, Dkt. 55, as well as a letter in opposition to KLM’s motion for default judgment, Dkt. 80. However, because in a separate order issued today the Court grants Maersk’s motion for summary judgment against KLM in its entirety, and dismisses KLM’s action against Maersk, Maersk’s filings with respect to the instant default judgment motion are moot.

2023, this Court ordered KLM to file a memorandum of law providing the legal basis on which to find that the Complaint's factual allegations, taken as true, establish its claims against Panacea. Dkt. 77. KLM did so on July 6, 2023. Dkt. 78. In that same order, the Court also directed Panacea to appear and oppose the motion for default judgment no later than July 13, 2023. Dkt. 77. On July 7, 2023, plaintiff served defendant, by priority mail, a copy of plaintiff's motion for default judgment and supporting documents and the Court's order to appear. Dkt. 79. The defendant has not since filed an appearance or any opposition to plaintiff's motion for a default judgment.

The Court has reviewed plaintiff's motion for a default judgment pursuant to Federal Rule of Civil Procedure 55(b) and plaintiff's supporting materials. Dkts. 66, 78. Because proof of service has been filed, the defendant has not appeared in this District, the time for doing so expired, and the defendant failed to appear to contest entry of a default judgment, the Court enters default judgment for plaintiff against the defendant.

The Court, by separate order, will commission an inquest into damages.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 16, 2023
New York, New York